



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF SOCIAL JUSTICE  
ENVIRONMENTAL PROTECTION BUREAU

March 13, 2018

Hon. J. Paul Oetken  
United States District Judge  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007

Re: *State of New York et al. v. E. Scott Pruitt et al.*,  
United States District Court for the Southern District of New York,  
Case No. 1: 18-cv-1030 (JPO)

Dear Judge Oetken:

In this action, New York, nine other states, and the District of Columbia (collectively, the States) have brought suit against EPA and the Army Corps of Engineers, challenging their suspension of the Clean Water Rule for two years. I write on behalf of the States in response to the motion by various industry groups dated February 27, 2018 to intervene as defendants. *See* Docket Nos. 29 -30.

The States do not object to the permissive intervention of movants, but take no position as to their request for intervention as of right. Notwithstanding the foregoing, we note our disagreement with several inaccurate characterizations of our position and arguments presented in the industry groups' intervention brief.

Thank you for your consideration.

Sincerely yours,

Philip Bein (PB1742)  
Assistant Attorney General

cc: All counsel (by ECF)